For the Northern District of California

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

GARRETT DANIEL EKMAN,)
Plaintiff, vs. UNITED STATES GOVERNMENT,	 No. C 06-06651 JW (PR) ORDER GRANTING PLAINTIFF'S MOTION FOR VOLUNTARY DISMISSAL; DIRECTING CLERK TO REFUND FILING FEE
Defendant.) (Docket No. 4)

Plaintiff, a state prisoner proceeding pro se, filed a civil rights complaint pursuant to 42 U.S.C. § 1983. On May 7, 2007, plaintiff wrote to the court requesting the filing fee returned and this action dismissed. The Court construes plaintiff's request as a motion for voluntary dismissal and refund of his filing fee, as plaintiff paid the \$350.00 filing fee in full.

Plaintiff's motion to voluntary dismiss the instant action (Docket No. 4) is GRANTED. The clerk is directed to refund plaintiff's filing fee payment of \$350.00, as plaintiff's complaint was never served on the defendant in this matter, and to forward a copy of the refund statement to the clerk for docketing along with a

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copy of this order. The clerk shall terminate	all pending motions and close the file.
No further filing fee is due in this closed action	on.
DATED: <u>May 25 2007</u>	James White JAMES WARE United States District Judge

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